IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 6541 of 2007

DATED: 2.4.2007

Between:

L.Rahman petitioner

And

The Depot Manager,
APSRTC, Gadwal depot,
Mahaboobnagar district respondent

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 6541 of 2007

ORAL ORDER:

This writ petition is filed seeking Writ of *Mandamus* declaring the action of the respondents in passing the impugned order dated 17.5.1993 imposing punishment of reduction of pay by two incremental stages with cumulative effect.

The petitioner is working as a conductor in the respondent-APSRTC. Disciplinary proceedings were initiated against him by issuing charge sheet dated 26.3.1993 alleging cash and ticket irregularities while conducting bus on 15.3.1993. The petitioner submitted his explanation, however, without considering the same an enquiry was ordered. The enquiry officer conducted an enquiry and submitted enquiry report dated 5.5.1993 holding the charges as proved. On the basis of the report submitted by the enquiry officer, the impugned final order-cum-show cause notice, dated 17.5.1993 was issued. In this, the punishment of reduction of pay by two incremental stages, with cumulative effect, was straight away imposed, and explanation was sought from the petitioner, as to why the period of suspension shall not be treated, as not on duty. Hence, the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that the sole respondent, without furnishing copy of enquiry report and without affording any opportunity of hearing to the petitioner, straight away

issued the impugned proceedings imposing punishment of reduction of pay by two incremental stages with cumulative effect and calling upon the petitioner to show cause as to why the suspension period should not be treated as not on duty. He further submitted that the issue raised in this writ petition is squarely covered by the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005. Learned Standing Counsel for the respondent Corporation admitted the same. He, however, opposed the relief contending that after considering the entire material on record, the impugned order was passed, and no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

The issue raised in the present writ petition is squarely covered by the orders of this Court in W.P. 18299 of 2005, dated 05.09.2005. The operative portion of the said order, reads as under:

> *"Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly six years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, upto the date of this order, on account of the modification of the punishment.*
>
> *The writ petition is accordingly disposed of. There shall be no order as to costs."*

Hence, following the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005, the present writ petition is also disposed of with the following direction.

The impugned order dated 17.5.1993, passed by the sole

respondent, imposing punishment of reduction of pay by two incremental stages with cumulative effect, is modified to that of reduction of pay by two incremental stages without cumulative effect. However, the petitioner shall not be entitled to any monetary benefits arising out of this order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 2.4.2007
tvk

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